



Public Document Pack

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2 September 2021

LICENSING COMMITTEE

A meeting of the Licensing Committee will be held in the **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF** on **Friday 10 September 2021 at 9.30 am** and you are requested to attend.

Members: Councillors Blanchard-Cooper (Chairman), Cooper (Vice-Chair), Daniells, Gregory, Hamilton, Kelly, Northeast, Oliver-Redgate, Stainton, Staniforth and Worne

PLEASE NOTE: Subject to Covid-19 Risk Assessments members of the public are advised of the following:

Where public meetings are being held at the Arun Civic Centre in order to best manage safe space available, members of the public are in the first instance asked to watch the meeting online via the Council's Committee pages – the meeting will be available to watch live via the internet at this address: [Arun District Council](#)

- a) Where a member of the public has registered to take part in Public Question Time, they will be invited to submit the question in advance of the meeting to be read out by an Officer. In response to the continuing health guidelines, there will be very limited public access to this meeting. Admission for public speakers will be by ticket only, bookable when submitting questions. Attendees will be asked to sit in an allocated seat in the public gallery on a first come first served basis. Only one ticket will be available per person.
- b) It is recommended that all those attending take a lateral flow test prior to the meeting.
- c) All those attending the meeting will be required to wear face coverings and maintain safe distancing when in the building/meeting room.
- d) Members of the public must **not** attend any face to face meeting if they or a member of their household have Covid-19 symptoms. I have removed reference to self-isolating as rules changed on 16 August – please let us know if you still require wording

Any members of the public wishing to address the Committee meeting during Public Question Time, will need to email Committees@arun.gov.uk by 5.15 pm on Thursday 2 September 2021 in line with current Procedure Rules. It will be at the Chief Executive's/Chair's discretion if any questions received after this deadline are considered. Permitted questions will be read out by an Officer.

For further information on the items to be discussed, please contact: committees@arun.gov.uk

A G E N D A

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating:

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest

3. **ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES**

4. **PUBLIC QUESTION TIME**

To receive questions from the public (for a period of up to 15 minutes).

5. **START TIMES**

The Committee is required to agree its start times for the municipal year 2021/22.

6. **MINUTES**

To approve as a correct record the Minutes of the meeting held on 29 January 2021.

(Pages 1 - 2)

7. STREET TRADING AND MARKETS POLICY

(Pages 3 - 52)

This report provides Members with a draft Street Trading and Markets Policy for consideration with a proposal that it is published for public consultation.

The pandemic has brought forward new demands for street trading activities both in terms of public demand and business opportunities, especially for local people. It is believed that the introduction of a new policy will better support the needs of the local area.

8. WORK PROGRAMME 2021/22

(Pages 53 - 54)

The Committee is required to approve its Work Programme for the municipal year 2021/22.

Note : If Members have any detailed questions, they are reminded that they need to inform the Chair and relevant Director in advance of the meeting.

Note : Filming, Photography and Recording at Council Meetings – The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link : [PART 8 - CP - Section 5 Filming Photographic Protocol.pdf \(arun.gov.uk\)](https://www.arun.gov.uk/part8cpsection5filmingphotographicprotocol.pdf)

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LICENSING COMMITTEE

29 January 2021 at 9.30 am

Present: Councillors B Blanchard-Cooper (Chairman), Brooks (Vice-Chair), Buckland, Mrs Catterson, Charles, Clayden, Goodheart, Mrs Gregory, Kelly, Mrs Madeley, Northeast and Oliver-Redgate

Apologies: Councillors Mrs Cooper

442. DECLARATIONS OF INTEREST

There were no declarations of interest made.

443. MINUTES

[Councillor Goodheart arrived during this item]

The minutes of the last meeting of the Committee held on 24 January 2020 were approved.

444. MINUTES OF LICENSING SUB-COMMITTEE - 24 JANUARY 2020, 24 FEBRUARY 2020, 26 JUNE 2020 AND 5 AUGUST 2020

The minutes of the Licensing Sub-Committee meetings held on 24 January 2020, 24 February 2020, 26 June 2020 and 5 August 2020 were received and noted by the Committee.

445. LICENSING FEE SETTING

[Councillor Oliver-Redgate joined the meeting during the introduction of this item]

The Chairman thanked the Licensing Manager and her team for their hard work over the last year in managing an enormous amount of change in legislation during the pandemic.

The Committee received a report from the Licensing Manager which set out the proposed licence fees structure for specified licensing regimes to take effect on 1 April 2021. She provided an explanation as to how the figures had been arrived at and emphasised that the Council sought only to recover its costs rather than achieving a surplus. She confirmed that the fees would be reviewed on a regular basis.

In considering the matter and, following a brief discussion where members sought and received clarification on a number of points, the Committee.

RESOLVED

Subject to approval at the next Licensing Committee meeting

380

Licensing Committee - 29.01.21

That the licensing fees as set out in Appendix 1 be agreed

The Licensing Manager then provided members with a brief update on other areas of business that she and the team had been focused on throughout the pandemic.

(The meeting concluded at 10.08 am)

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF LICENSING COMMITTEE ON 10 SEPTEMBER 2021

PART A: REPORT

SUBJECT: Street Trading & Markets Policy Consultation
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REPORT AUTHOR: Sarah Meeten

DATE: 01 July 2021

EXTN: 37680

AREA: Technical Services

EXECUTIVE SUMMARY:

This report provides a draft Street Trading and Markets Policy for consideration of the Licensing Committee with a proposal it is published for public consultation.

The pandemic has brought forward new demands for street trading activities both in terms of public demand and business opportunities, especially for local people. It is believed that introduction of a new policy will better support the needs of the local area.

RECOMMENDATIONS:

It is recommended that the Licensing Committee agree to publishing the draft policy for consultation for a period of 6 weeks.

1. BACKGROUND:

- 1.1 Street Trading Controls were originally adopted by Arun in the 1980's. The original controls were adopted under the terms of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and came into effect on 1 April 1987.
- 1.2 Since this time there has been dramatic change to the local area but no review of, or changes to street trading designations and the way that Street Trading is administered within the District.
- 1.3 The pandemic has impacted on local businesses very heavily. Existing mobile businesses have had no events to attend with their mobile units and lost income. Some businesses have been forced to close permanently and owners are looking for new ways to create income. Those businesses that have survived are seeking opportunity to diversify their offerings to generate new revenue streams. Community groups are seeking ways to host events and bring people back together and charities wish to generate revenue.

1.4	In addition, as much outdoor activity as possible is to be encouraged as this is deemed safer to the wellbeing of the public. This has resulted in higher footfall in certain areas of the district and generates demand for street trading provision.
1.5	It is important that provision is considered, and opportunities created in a way which will support the needs of all in our local communities.
1.6	The council is currently receiving increased numbers of complaints and enquiries regarding street trading. It is not possible to respond effectively due to constraints of the current designations and policy which have become outdated and no longer fit for purpose. It is believed that the current street trading designations require review alongside introduction of a new policy to afford an effective response. There are currently locations of the District where traders are located in undesignated positions affording no effective control of provision in the area.
1.7	The draft policy lays out objectives as well as types of permissions that can be applied for and in what areas trading can take place.
1.8	The draft policy proposes that areas for certain types of street trading are specified and opportunities are advertised. This will result in a greater street trading provision and will enhance the offerings in the local area. This affords the committee greater control over shaping Street Trading provision within the district.
1.09	Similarly, the structuring around markets (one off and regular) and events has been revisited with a view to providing greater opportunities and more flexibility in a way that achieves the objectives laid out in the policy.
1.10	Feedback from informal consultations has helped to structure the draft policy.
1.11	Post consultation, the matter will be brought back to committee for consideration of comments.
1.12	The council will also be required to advertise varied Street Trading Designations and pass a resolution post-consultation.
1.13	Fee setting will also be undertaken on a cost recovery basis prior to the new policy coming into effect.
2. PROPOSAL(S):	
2.1	The policy be published for a 6-week consultation period before returning the matter to committee to consider responses and to revise Street Trading Designations.
3. OPTIONS:	
3.1	The policy is amended and published for a 6-week consultation period
3.2	The policy is not published for consultation

4. CONSULTATION:

Feedback has been requested from Towns and Parishes and other groups (including Bognor Regis BID, Littlehampton Traders Partnership and internal departments) informally. It is intended that full public consultation will take place which will include affording the opportunity for all persons, businesses and group to make comment on the draft policy.

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	✓	
Relevant District Ward Councillors		✓
Other groups/persons (please specify)	✓	

**5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES:
(Explain in more detail at 6 below)**

	YES	NO
Financial	✓	
Legal	✓	
Human Rights/Equality Impact Assessment	✓	
Community Safety including Section 17 of Crime & Disorder Act	✓	
Sustainability		✓
Asset Management/Property/Land	✓	
Technology		✓
Other (please explain)		

6. IMPLICATIONS:

Internal consultation has included community safety who have been asked if there are any areas of the district that may benefit from street trading presence in an effort to increase presence and drive down anti-social behaviour.

A policy lays out processes and ensures that authorisations are administered in the correct manner.

The new policy will set clearer parameters between what will be dealt with as street trading and what will be administered as a concession (by Property & Estates).

If introduced post -consultation, it is anticipated that there will be an upturn in the number of consents issued. Fees will be charged at cost recovery which is the recognised process for charging of authorisations. The policy proposed a reduced fee payable for not for profit community and charitable organisations.

7. REASON FOR THE DECISION:

To facilitate the opportunity for enhanced street trading provision within the district in a way which supports the objectives of the policy and provides opportunity to further boost the local economy.

8. BACKGROUND PAPERS:

Draft Policy

Equality Impact Assessment

Current Street Trading Provision information <https://www.arun.gov.uk/other-licences>

Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 [Local Government \(Miscellaneous Provisions\) Act 1982 \(legislation.gov.uk\)](#)

Arun District Council Street Trading and Markets Policy

Street Trading and Markets within the Arun District are managed in accordance with this Street Trading and Markets Policy. The Licensing Committee approved this policy which came into effect on XXXXX. Minor changes to the policy may be made by officers in consultation with the Licensing Committee Chairman and the Group Head of Technical Services. Such changes will be added to an amendment log below prior to republishing.

The original controls were adopted under the terms of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and came into effect on 1 April 1987.

Version number XX

Amendment Log

Paragraph number	Amendment	Date

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Introduction

Arun District Council (herein referred to as the Council) recognises that Street Trading brings vibrancy to the area and provides employment, opportunities for startup businesses to flourish as well as allowing current businesses to diversify and expand by utilising Street Trading opportunities. It also makes a visible and direct contribution towards regeneration and improvement to the character of the area. Increased presence of the public drives down incidences of anti-social behavior and makes an area more welcoming.

Street Trading also provides opportunities for community groups and charities to generate income as well as providing opportunities to integrate people into the local community via provision of pop-up and regular events where people may congregate to eat, purchase products and visit other local businesses. Street Trading provides an effective way of increasing footfall thereby providing a boost to the local economy.

It is recognised that the demand for Street Trading has increased significantly as activities being undertaken outside have become more favourable for vendors and consumers.

A council may designate areas for Street Trading as well as prohibiting trading in certain places. Prohibited areas may be designated because of concerns over potential nuisance or obstruction of narrow areas for instance. The Council has reviewed and amended Street Trading designations within the area as detailed in section 3 of this policy. The Council has also amended the designation of prohibited streets and removed the designation of licensed streets. The Council operates certain areas as concessions which are administered outside of the Street Trading regime and this Policy. Reference is made to concessions within this policy to assist understanding of what permission may be needed to trade within the district.

Where further Street Trading opportunities are identified as suitable for the area, the relevant appendices to this document will be updated. There are, for example, numbers of small business owners across the South Downs National Park (SDNP) area who produce wonderful products and provision should be made to showcase and sell these locally reducing food mileage and carbon footprint.

If a person wishes to trade on the streets or hold a market on a designated street, or a market as part of an event on the street, this document outlines policy and processes for obtaining consent. This document should be read in full prior to making an application. This policy outlines what types of permissions exist, what provision is made, and outlines requirements exist in relation to Street Trading and Markets within

the District. It will provide prospective traders with an early indication if their application is likely to be granted or not together with details of what is expected of traders.

This policy will be kept under review but in any case, a maximum period of five years will elapse before it is reviewed and consulted upon regarding any proposed changes.

Definitions

‘Consent Street’ means a street in which street trading is prohibited without the consent of Arun District Council.

‘Operator’ is the consent holder of a consent issued for 5 or more stalls for regular markets and Occasional Markets, events and special occasion trading activity.

‘Officer and Officers’ means an authorised Licensing Officer of Arun District Council

‘Pitch’ is a designated located from which street trading can operate.

‘Prohibited Street’ means a street in which street trading is prohibited.

‘Street’ includes (a) any road, footway, beach or other area to which the public have access without payment; (b) a service area as defined in the section 329 of the highways Act 1980, and also includes any part of a street.

‘Street Trading’ means, subject to sub-paragraph 2 of the Local Government (Miscellaneous Provisions) Act 1982 Part III, the selling or exposing or offering for sale of any article (including a living thing) in a street; and “subsidiary terms”, in relation to a street trading licence, has the meaning assigned to it by paragraph 4(4) of the Local Government (Miscellaneous Provisions) Act 1982 Part III. The following are **NOT** Street Trading: Para 1(2)(a)-(j)

(a) trading by a person acting as a pedlar under the authority of a pedlar’s certificate granted under the Pedlars Act 1871;

(b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order.

(c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;

(d) trading as a news vendor;

(e) trading which—

(i) is carried on at premises used as a petrol filling station; or

- (ii) is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
 - (f) selling things, or offering or exposing them for sale, as a roundsman;
 - (g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
 - (h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
 - (j) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.
- (3) The reference to trading as a news vendor in sub-paragraph (2)(d) above is a reference to trading where—
- (a) the only articles sold or exposed or offered for sale are newspapers or periodicals; and
 - (b) they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not—
 - (i) exceed one metre in length or width or two metres in height;
 - (ii) occupy a ground area exceeding 0.25 square metres; or
 - (iii) stand on the carriageway of a street.
- ‘Trading Unit’** may be a stationary van, car, barrow or other vehicle or a portable stall.

1.0 **Principles**

1.1 The Council will apply these key principles in the exercise of its Street Trading functions:

1.2 **Public Safety.** Whether the Street Trading activity is likely to represent a substantial risk to the public. Factors considered will include obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site. The location and operating times will be such that the highway can be maintained in accordance with West Sussex County Council's requirements and that there are no dangers to those who have a right to use the highway and present no obstruction for emergency access. All street traders will be expected to have read and comply with the **safeguarding policy** appended to this document.

1.3 **Public Order and Nuisance.** Whether the Street Trading activity represents, or is likely to represent, a substantial risk of nuisance or annoyance to the public from matters including noise, light and/or odour and the behaviour of traders, particularly in residential or quieter areas. And whether the Street Trading activity represents, or is likely to represent, a substantial risk to public order. Traders will need to conduct themselves in a professional manner.

1.4 **Appearance.** The stall or unit must be maintained in good condition, be of a smart and presentable appearance and meet the specified criteria laid down in the standard Consent conditions (**see Appendix 3, 4 and 5** as relevant). Photographs and dimensions must be provided with all new applications and requests for approval for changes to or replacement of a stall or vehicle. The general appearance of the vehicle or stall will also be considered in order to determine that the unit will not detract from the appearance of the surrounding area. It must enhance the look of the area and be an attractive offering. The operation must not adversely impact on the local environment by way of impact on street surfaces, street furniture and materials (for example, grease marks left on the road). It is recommended that enquiries are made with a licensing officer prior to the purchase of any vehicle or stall.

1.5 **Location of Traders.** The location of the proposed site will be considered in terms of what contribution operating a pitch will bring to the area. The council will also consider if the pitch will bring benefit to the persons frequenting the area in addition to providing business opportunity and complimenting existing retail offerings. This could change dependant on the time of year as much of the district's footfall peaks and troughs due to

people visiting the area. Some types of trading may better lend themselves to areas with consistent footfall throughout the year and be targeted for the benefit of local people. There must be a minimum of 2 metres of unobstructed footway to allow passing space. The pitch must not obstruct access to any other areas that require access. Some pitches may be placed in clusters to create an attraction in itself (or as part of event) and some pitches may be placed with a view to seeking a specific type of offering to bring more footfall with an area with existent businesses providing a greater range of consumer choice. Markets are recognised as beneficial to local people, as well as proving opportunities for local businesses to trade, and for bringing more footfall to an area.

1.6 **Environmental Sustainability.** The impact of the proposed operation on the local environment including but not limited to power supply, carbon footprint, supply chain, low food mileage, packaging, waste minimisation, waste disposal and waste generated by customers. Provision of adequate measures to minimise the environmental impact of the proposed operation. The offering of alternatives to animal products, particularly in relation to food offerings, or the use of local animal products are considered to make a more positive contribution. Those that can demonstrate that they are contributing towards driving down carbon footprint and operating in an environmentally friendly manner will be viewed favourably.

1.7 **Contribution.** The applicant offer will need to positively enhance the contribution in the local area. Preference will be given to those who are resident in the local area and those offering local products.

2.0 **Street Trading in the Arun District**

2.1 At the time of writing this policy, there is limited Street Trading activity within the District. This is because there have been significant changes to the area since Street Trading Designations were last considered and adopted in 1987. Some areas where persons wish to trade are not currently controlled. This can result in offerings being clustered or traders placing themselves in areas that are not appropriate. For example, the Council has received complaints regarding obstruction where traders have placed themselves in unsuitable locations within the undesignated areas.

2.2 There are currently a few traders operating under consents in Bognor Regis and Littlehampton town centres. There is a Farmers Market in Arundel operating once a month and weekly general markets operating in Bognor Regis and Littlehampton.

2.3 The pandemic situation has seen an increase in demand for Street Trading provision across the Arun District and further afield. Street Trading brings vibrancy

to an area and increases footfall which in turn benefits other local businesses. Street Trading also provides a springboard for start-up businesses as well as providing expansion opportunities for existing local business, something which has generated interest within the area. Street Trading will also provide more consumer choice enhancing the attractiveness of an area to visit.

- 2.4 Persons with an interest in starting a regular or pop up market within the District are advised to contact the licensing team with their proposals in the first instance licensing@arun.gov.uk. Those wishing to run markets which showcase products of local businesses, as well as community led markets and those wholly for the benefit of charities would be of particular interest. A similar principle applies to car boots sales. It is recognised that markets compliment and bring benefit to social, cultural, religious, and charitable events as markets being standalone events in themselves. Markets could be established in areas of the district outside the town centres.
- 2.5 Special fees will apply for those operating a market or special event on a non-profit basis. The operator if requested will need to provide relevant proof to the council that the special fees should apply. It is recognised that some traders will sell good for their own purposes, but there will need to be a strong charitable element to the market or event. The same will apply to a single charity stall applying for an occasional street trading consent. All other requirements in relation to the application and Street Trading conditions remain.
- 2.6 As well as making provision for food traders, the council recognises that arts and crafts offerings would make a very positive contribution to the local area in a street trading context, for the benefit of local persons as well contributing to the tourist economy providing choice for those visiting the area and wishing to purchase locally made products. As well as providing opportunities for new business, this could assist existing businesses to exhibit their offerings in areas with more tourist footfall.
- 2.7 As well as identifying areas for individual Street Traders, the Council will seek to identify suitable areas for clusters of short term 'pop up' traders so small events or similar may be facilitated. Those with ideas are invited to contact licensing@arun.gov.uk to share proposals for consideration.
- 3.0 **Street Trading Consent Areas**
- 3.1 Every street in the Arun District is designated as a consent street for Street Trading with the exception of prohibited streets which are listed below and the following areas (which are undesignated):
Parks and greenspaces (including Place St Maur and Jubilee Gardens)
All promenades within the district (the roads alongside are designated).
These areas of land are owned and controlled by the Council and are managed by Parks & Greenspace and Property & Estates who consider requests for trading and events at these locations.
- 3.2 The council will provide via its website a mapping layer detailing designated and undesignated areas together with details of prohibited

streets and locations as identified suitable for Street Trading. The information will be updated from time to time as may be required.

3.3 The Council will advertise Street Trading opportunities via its website. It will consider applications outside of this scope but generally will only grant permission where it has identified that a requirement exists that is likely to enhance the contribution in the local area. Those persons interested in Street Trading in other areas are advised to contact a licensing officer for discussion in the first instance. See **Appendix 1** for details of areas identified as suitable for Street Trading.

3.4 Arun District Council has not designated any areas as licence streets, only consents are issued.

3.5 ***Prohibited Streets***

The table below lists streets and areas where street trading is not permitted at any time. Streets have been designated for a number of reasons including accessibility, the placing of Street Traders would likely cause a nuisance or obstruction or cause a nuisance to residences.

Town	Prohibited Street
Arundel	Maltravers Street Mill Lane Queen Street
Bognor Regis	Aldwick Road (West Street to Silverston Ave) Bedford Street Belmont Street Charlwood Street Nyewood Lane Park Road Victoria Drive Canada Grove Chapel Street Clarence Road Crescent Road High Street John Street Lennox Street Lyon Street Lyon Street West Manor Place Market Street Norfolk Street Queensway Richmond Road Sadler Street Spencer Street Station Road Steyne Street Sudley Road Sussex Street

	West Street York Road The Beach
Ferring	The car park known as The Bluebird car park.
Littlehampton	Beach Road Coastguard Road East Street (between High St and Avon Road) South Terrace Terminus Road (between Terminus Place and Arundel Road) Windmill Road The Beach
Pagham	Cardinals Drive The Causeway Church Way Kings Drive

3.6

Concession areas

Those wishing to trade on some Arun District Council land maybe required to apply for a concession or land use licence. These permissions are administered by the Property and Estates team who operate under separate terms and conditions. See www.arun.gov.uk for further details. The sites that traders will need to contact the Property and Estates team about:

- Promenades
- Place St Maur, Bognor Regis
- Jubilee Gardens, Arundel

4.0

Individual street trading pitches

4.1

Provision for individual trading pitches will be made and then advertised via the Street Trading pages on the councils website www.arun.gov.uk Below is outlines the types of units that may be placed upon pitches.

4.2

Mobile units. This is suitable for sales from vehicles such as artisan food offerings, healthy food and coffee/drinks and ice cream vans. Mobile street trading is only permitted at specific locations and is set up to maximize flexibility for traders. Applicants may be offered different pitches and different times dependent on surrounding factors such as availability of products from nearby businesses and what is considered to enhance the offering in a specific area as well as public footfall. Existing consent holders that are allocated a pitch may contact licensing officers to determine if there is alternative availability for pitches at short notice if required, for example should weather conditions prevent them from trading from an agreed location. Alternative pitches however will be only subject to availability. Further details of unit specification are at **appendix 3**.

4.3

Static units. This is for trading from a fixed position where a trader does not have a mobile unit. Typically, permission will be granted for an area 3 metres x 3 metres which should be covered by a gazebo (see **appendix 4** for details).

4.4

Mobile street traders may only operate one vehicle under one consent. Any additional vehicles must be registered under a separate consent. The same principle applies to static sites with one consent required per vendor.

4.5

The same pitch may be allocated to different traders on different days and times dependant on the needs of traders and demand from customers.

5.0

Markets, events and special occasions

5.1

There are three existing markets within the district which are authorised by an Operator Consent. Further opportunities for market operators will not necessarily be advertised, however those who believe they may have identified opportunities for regular markets, events or special occasions should contact licensing@arun.gov.uk for discussion.

5.2

Events and special trading activity applications will be considered on submission at the instigation of an event or special occasion organiser – that is the proposed operator. Applicants should contact a licensing officer for discussion prior to submission of an application.

5.3

An Operator Consent will be required for 5 or more pitches. Less than 5 pitches must be consented by each individual applying for a consent for each individual pitch. An Operator Consent will be obtained by an operator who has agree with the Council a fully documented operational plan that will incorporate all the terms and conditions of the consent.

5.4

Operators must ensure that all stallholders, volunteers and employees comply with the terms of this policy, including in relation to safeguarding.

5.5

Operators must notify licensing if they do not intend to hold the market, event or special occasion for any reason.

5.6

Officers may attach additional conditions to consents as they deem necessary.

5.7

Mobile and static stalls may be used in markets subject to any vehicle and other restrictions and subject to officer approval.

5.8

Officers will issue conditions on consents for markets that are bespoke to the setting in addition to standard conditions.

5.09

Whilst Operator Consents are in operation, any other consents within that footprint will be suspended.

6.0

Food and drink trading

- 6.1 Applicants who trade in hot or cold food must be able to demonstrate a good understanding of food safety and hygiene. They must be registered as a food business with the relevant local authority. As a minimum, food handlers should hold a current Level 2 Award in Food Safety in Catering from an accredited training provider. It is recommended for all staff working from the site to have their food hygiene training renewed every 3 years. Traders with a Food Hygiene rating scheme of less than 4 will not be granted a street trading consent. Where more than one trader is seeking to operate from the same pitch, and all other criteria has been met- the business that demonstrates the highest compliance with the Food Hygiene Rating Scheme award is likely to be selected.
- 6.2 Traders are encouraged to consider offering healthy eating choices that satisfy the requirements of Eat Out Eat Well – Healthy eating scheme. Where more than one food trader is seeking to operate from the same location, and all other criteria has been met- the business that demonstrates the highest compliance with the Eat Out Eat Well award is likely to be selected. For more information visit www.arun.gov.uk
- 6.3 If food is to be sold, all applicants must register their business with the Council's Food Safety Team. This also includes traders on private land <https://www.arun.gov.uk/food-premises-registration>

7.0 **Restricted goods**

- 7.1 Some goods must not be sold or provided with a purchase. A schedule of goods is attached as **Appendix 7**. This schedule may be varied from time to time. A trader may apply in writing for an exemption to specific items in this schedule. This must be approved by an officer and the relevant exemption added to the consent prior to any good being stocked on site, provided or sold. If traders are in any doubt regarding restricted goods, they must contact an officer for advice.

8.0 **Street Trading Consents and duration**

- 8.1 There are different consents available which vary in duration.

8.2 **Annual Street Trading Consent**

This consent lasts up to 12 months (but expiring 31 March each year) and enables a trader to trade up to 7 days a week (within specified times) at a specified pitch with a specified trading unit or stall within the financial year. This type of consent will not be granted for a period of less than 4 weeks. This consent may be issued for a single pitch only. Additional consents will be required for additional pitches and trading units.

- 8.3 **Annual Food Street Consent**
This consent operates similarly to an Annual Street Trading Consent, except it applies to traders whose primary or sole purpose is to provide for and/or drink. For clarity persons who require a Food Hygiene Rating will be required to obtain this consent.
- 8.4 **Occasional Street Trading Consent**
This consent lasts for up to 30 specified days at a specified pitch. This consent may be issued for a single pitch only. Additional consents will be required for more than one stall or mobile unit.
- 8.5 **Occasional Food Street Trading Consent**
This consent operates similarly to an Occasional Street Trading Consent, except it applies to traders whose primary or sole purpose is to provide for and/or drink. For clarity persons who require a Food Hygiene Rating will be required to obtain this consent.
- 8.6 **Occasional Markets, events and special occasion trading activity**
This consent may be used where street trading is taking place as part of an event, or is a one-off event of its own, such as a specialist one off market. The consent may be issued for up to 4 consecutive days. Such consents may be used to support events organised by community groups.
- 8.7 **Regular Markets**
Market Operators holdings markets (more than 5 stalls) on a regular basis will be required to apply for a consent. This consent lasts up to 12 months (but expiring 31 March each year). The charging structure makes provision between monthly markets and those held at a greater frequency.
- 8.8 **All consent holders are required to notify the licensing team if they do not intend to trade, or do not trade for any reason.**
- 8.9 Road closures may be required in some circumstances relating to markets and events to ensure the safety of those attending.
- 8.10 The Street Trading year runs from 1 April until 31 March with annual consents expiring 31 March each year.
- 9.0 **Private Land**
- 9.1 If a landowner gives their permission for a trader to operate on their private land, consent is not needed from the council (unless a sale takes place onto the highway). However, if food is sold, the business should still be registered with the Food Team (see above).

10.0
10.1

Days and Hours of trading

When considering hours of operation, regard will be given to the use of neighboring premises and particularly residences.

Consent holders will need to use the consent at all times for which it is granted. The council must be notified in advance if the consent is not going to be used on any occasion.

11.0

Applications

11.1

The street trading year runs from 1 April until 31 March each year. Consents can only be issued for a maximum of 12 months.

11.2

When pitches are available they will be advertised at www.arun.gov.uk/other-licences . Applications will be invited during a specified time. Persons wishing to trade on an existing market should contact the relevant operator. Please see our website for details.

11.3

Articles to be sold by the trader must be clearly detailed on the application form. Words such as 'miscellaneous', 'homeware', 'hardware', 'food and drink' and 'brick-a-brack' etc will not be accepted. Please note this policy provides outline details of goods that are prohibited from sale.

11.4

The website page will detail what information needs to accompany an application. This will include details of the site that the applicant wishes to trade, operating days and hours, photographs of units, details of items to be sold etc.

11.5

Applicants will be asked to sign a self-declaration relating to criminal convictions.

11.6

Applications will be considered by officers after consultation with Sussex Police, West Sussex County Council Highways and Environmental Health (the full application details will be shared with the authorities). Consideration will be given to criminal convictions in line with the conviction's information at **Appendix 6** and the applicant being able to demonstrate they have considered safeguarding matters.

11.7

Account will be taken of any comments made by the consultees during the consultation period. The authority will consider the suitability of the site and the applicant taking account of, but not exclusively, the criteria in this policy. Each application will be decided on its own merits.

- 11.8 Where more than one application is received for an available site, account will be taken of the steps to promote the 'Purposes' outlined in this policy together with the suitability of the proposal. A pitch will be allocated to the applicant who most closely meets the requirements of the policy and additional information detailed during advertising. A scoring criterion (**Appendix 8**) will be applied in cases where a number of applications are received. If alternative pitches are available for additional applicants and they meet requirements, these pitches will be offered.
- 11.9 An applicant will be invited to submit accompanying documents such as insurance, photo ID and a photograph when it is confirmed a pitch may be allocated to the applicant. A consent will not be issued until a licensing officer has verified and accepted the documentation required and payment is made.
- 11.10 When requested, public liability insurance of a minimum of £2m must be at least third-party cover and **must** be in the Applicant's name. In addition, market operators and event organisers must hold coverage.
- 11.11 Officers may request to see evidence of a waste collection contract if appropriate prior to granting a consent.
- 11.12 Additional conditions may be attached to Consents by officers in the interests of ensuring the Principles of this policy are promoted. Officers may vary the conditions of a Consent at any time.
- 11.13 Street Trading Consents can be paid for in full or by quarterly payments. If payments are not made by the date requested the consent will be revoked immediately.
- 11.14 There will be no transfer of consents, no joint consents, preference will be given to local residents and businesses in accordance with the criteria set out in 'Purposes' and consents will be issued not exceeding 12 months.
- 11.15 Consents are only considered granted when they have been approved and payment due has been received.
- 12.0 **Renewals**
- 12.1 Applications to renew an existing street trading consent must be made at least 21 days prior to the expiry of the existing consent. A renewal application may be refused if the renewal application is made late or if payment is outstanding. A renewal may be refused if in line with the application requirements of this policy or if there have been incidents of non-compliance, complaints, fees remain unpaid or any other matter relevant to the renewal application.

12.2 If the consent is refused or not renewed, the pitch will be advertised as available for applications.

12.3 Those attempting to renew less than 21 days before expiry will be treated as new applicants and scored alongside other applicants where more than one application is received. This process may result in the pitch being awarded to another applicant.

13.0 **Surrender of a consent**

13.1 Where the trader wishes to surrender their consent they must give the council 28 days (unless otherwise agreed) in notice in writing to licensing@arun.gov.uk
All documentation and identification must be returned to the council.

14.0 **Enforcement**

14.1 Officers conduct compliance checks as well as responding to specific complaints to check adherence to conditions and conduct of those operating under Street Trading Consents. Visits may be multi agency and are not always announced. Authorised officers may ask for documentation to be produced.

14.2 Complaints are investigated and handled according to their severity. Food hygiene complaints will be dealt with by Environmental Health Officers.

14.3 Generally, a staged approach will be taken when addressing issues beginning with education, prior to issuing warnings and then considering other action. However, for very serious offences where there is a need to protect public safety, to prevent crime or disorder, or the reputation of the council, revocation will be considered in the first instance.

14.4 Refusals and revocations may be undertaken with the oversight of the Licensing Manager taking into consideration the factors outlined in this policy. Applicants and consent holders will be notified of decisions taken in writing accompanied by reasons for the action being taken.

14.5 Consents may be varied or revoked at any time. Consent holders will be notified in writing and reasons will be given for the action taken. It should be noted that aggrieved consent holders have no right of appeal against the council's decision. Reasons for revocation may include but are not limited to non-payment of fees in relation to the consent or conditions attached to it, the consent holder is unsuitable to hold the consent or there are changes in circumstances which have resulted in insufficient space for continued trading without causing undue interference or inconvenience to persons in the street.

If street trading takes place on a prohibited street or without permission on consented streets, then enforcement action may be considered in line with the Enforcement Policy for Environmental Health, Private Sector Housing, Licensing & Cleansing which can be found on the council's website at www.arun.gov.uk.

15.0

Transitional Arrangements

15.1

Markets and events will be required to operate in accordance with this policy from of not more than three months after it becomes effective. Any existing consents will be revoked and a partial refund will be given after any costs incurred by the Council have been accounted for.

15.2

Existing single pitch Consent holders (this by nature excludes markets) will be able to renew their consent if their offering is at odds with the requirements of this policy. This is to protect the livelihood of existing traders in the local area. If any period of authorisation is interrupted, then the trader will need to fully comply with the terms of this policy and make a new application.

15.3

All new applicants must make applications in line with the requirements outlined in this document from the time it becomes effective.

16.0

Pedlars Licences

16.1

Sussex Police issue Pedlars Certificates. The sale of food under these Certificates is prohibited. Although permitted in the town centres, only small trays/barrows etc. are permitted and Pedlars must always be mobile. For further information please contact the Police Licensing Unit on 101.

17.0

Planning

17.1

A street trading consent is given to units where the unit is removed every day at the end of the trading period. If a unit is permanently located at a site it may not require a street trading consent but may require planning permission. Units that are removed every day may also require planning permission in addition to street trading consent. This will be dependent on the amount of time and days that the unit is located at the site. Please contact the Planning department for further advice planning@arun.gov.uk or refer to www.arun.gov.uk. If a unit that holds street trading consent is not removed every day at the end of the trading period and it is considered that the unit is in fact permanently located in one position, then street trading consent may be revoked.

18.0 **Tables and chairs**

- 18.1 Applications for tables and chairs for units providing food and/or drink are required and will be considered by the council. Please refer to Pavement Licensing and / or Part 7A of the Highways Act 1980 on the Council's website.

19.0 **Social media**

- 19.1 Arun District Council supports the use of social media and recognises this is a valuable tool in reaching audiences and promoting business. Freedom of speech must be exercised responsibly on social media sites. The following guidance is designed to assist with constructive use of platforms.
- Ensure that you are providing accurate information so that you are not misrepresenting yourself, someone else or the District. Sticking to the facts is always safer than providing opinion.
 - Respect your audience, your colleagues, other businesses in the area and the council. Take care not to engage in any conduct that would not be acceptable in the workplace.
 - Consider the image you want to portray to the public. Be mindful that what you post may be viewed by traders, customers, colleagues, elected members and both the local and wider communities, and may stay public for a long time.
 - Remember that there may be consequences to what you post, so consider your content carefully. If you are about to post something that makes you the slightest bit uncomfortable, take a moment to consider if the best thing to do would be not to post your comments.

20.0 **Information Sharing**

- 20.1 Arun District Council may disclose activities and personal details of Applicants, Street Trading Consent holders, their employees, stall holders or volunteers to third parties who have a legal right to such information. This includes other regulatory and law enforcement agencies (as well as internal council departments) and those who may require the information in connection with civil court action. To comply with the proceeds of crime act (POCA) information may be shared with third parties who have a legal right to such information including HMRC and the National Crime Agency. We will also share personal information relating to complaints (including complaint and intelligence details if we believe it is relevant to other authorities).

We are obliged to report information regarding details of street traders periodically for fraud, other crime and other purposes. This includes personal details.

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Appendix 1: Street Trading identified locations and concessions areas (subject to change)

Town	Street	Purpose	Restricted Areas & other info.
Arundel	High Street (from Mill Road to Tarrant Street)	Farmers market Events Special Occasions	
	Jubilee Gardens	Not designated for Street Trading	Application via Property & Estates as concession permission is required Street Trading Consent not required
	Mill Road	Mobile Events Special Occasions	
	River Road from High Street to the access to Crown Yard	Farmers Market	
	Tarrant Street (High Street to Brewery Hill)	Events Special Occasions	Access to residences must be allowed.
	Town Quay	Events Special Occasions Static	
Bognor Regis	The Beach	Events Special Occasions	Application via Property & Estates as concession permission is required. Not Designated for Street Trading.
	The Esplanade	Mobile Events Special Occasions	For applications on the south side, situation of concessions needs to be considered in relation to placement of Street Traders.
	High Street	Special Occasions	

		Events	
	London Road (pedestrian precinct from south end of London Road to Bedford Street only)	Markets Events Static x 2 Mobile	
	Place St Maur		Application via Property & Estates as concession permission is required. Not designated for Street Trading.
	The Promenade	Mobile Events Special Occasions	May require a concession from property and estates. Not designated for Street Trading
	The Steyne (south side only)	Events Special Occasions	
	Waterloo Square (outside perimeter)	Events Special Occasions Mobile Static	
Ferring	Marine Drive	Mobile	
Littlehampton	Banjo Road	Mobile Static Events Special Occasions	
	Clifton Road (Arcade Road to High Street)	Events Special Occasions	
	Duke Street (St Martins Road to High Street)	Events Special Occasions Markets	

	High Street	Events Special Occasions Markets	
	New Road	Events Special Occasions	
	Pier Road	Events Special Occasions	
	The Promenade	Events Special Occasions	Concession permission may be required additionally. Not designated for Street Trading.
	St Martins Lane	Markets Events Special Occasions	
	Junction of Sea Lane and Sea Road (Rustington)	Mobile	
	The Greens	Not designated for Street Trading	Application via Property & Estates as concession permission is required
Pagham	The Parade	Mobile	

Consent holders must ensure that any relevant parking restrictions are complied with and applications must take maximum time of stay into account where it applies. This may include purchasing of parking tickets. An officer can advise.

Appendix 2: Street Trading Conditions

Standard Conditions for Street Trading – **individual consents**

Definitions:

Street Trading	the selling or exposing or offering for sale any article (including a living thing) in a street
Street	a) any road, footway, beach or other area to which the public have access without payment; and b) a service area as defined in section 329 of the Highways Act 1980
'Consent Holder'	means a Street Trader who has been granted a Consent by the Arun District Council to trade on the street
'Consent'	means a Consent granted by Arun District Council in respect of street trading
'Employee'	means a person working for a Street Trading Consent Holder
'Authorised Officer' or 'Licensing Officer'	an Officer employed by Arun District Council and authorised by the Group Head of Technical Services of Regulation and Enforcement in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982
'Licensing Manager'	means the Operational Manager within the Licensing Unit
'Serious Misconduct'	Includes, but is not limited to any of the following: Sexist, racist, foul or abusive language Acts of dishonesty Acts of indecency Any act causing or likely to be dangerous or cause personal injury to a person

1. A copy of the consent must be displayed prominently on the unit or stall at the street trading site and the trader or his employees shall produce it whenever required by an authorised Council Officer or Police Officer. The Trader and any employees shall always whilst trading,

setting up and clearing down wear in a prominent position an identity badge provided by the Council.

2. The consent holder shall not trade outside the time and days permitted by the consent and trading shall only take place from the agreed specified trading unit or stall at the specified pitch.

3. The consent holder shall trade in compliance with the consent and must not digress e.g. affixing barriers or advertising etc. that has not been specified in the consent.

4. All signs placed on display in connection with the units must not contain inappropriate words, language or pictures in any form which may cause offence to members of the public or other stall holders.

5. The consent holder will comply with all legislation, regulations or bye laws made and for the time being in force.

6. The consent holder and their employees shall comply with all statutory requirements and statutory instruments including without limitation the Control of Substances Hazardous to Health Regulations 2002 and the Health and Safety at Work Act 1974 in relation to the sale of goods or provision of services from their unit.

7. The goods, articles or products, the sale of which is authorised by this consent, are strictly limited to those specified, unless written approval to amend has been given by Arun District Council.

8. The trading unit or stall must be of the size and design approved by the Council and/or specified in the consent. Written approval to change the specified sales unit must be obtained from Arun District Council.

9. The consent holder shall not at any time lend, or purport to transfer or assign this licence to, or permit it to be used, by any other person except that they may employ any other approved person to assist them in trading without a further consent being required. Arun District Council must be notified of all employees/persons authorised to assist prior to them working.

10. The consent holder may employ another person to 'assist' with trading but shall be expected to be in attendance at the site regularly in order to remain in control of trading for the majority of trading hours.

11. The consent holder shall not employ more than two persons at any one time to exercise the consent in the absence of the holder. Employees must be aged 17 or over (18 or over if alcohol is to be sold).

12. All consent holders shall ensure that all their employees comply fully with the Conditions as disciplinary action may be taken against any consent holder or their employees for any breaches of the Conditions.

Consent holders are under a duty to bring the Conditions to the attention of their employees.

13. The consent may be revoked by the council at any time for non-compliance with conditions or any other reasonable cause or surrendered by the consent holder at any time.

14. Nothing in these conditions shall excuse the consent holder from any legal duty or liability and the consent holder shall indemnify the council in respect of all claims, actions or demands arising from the consent except where due to the Council's own negligence.

15. The consent holder shall always maintain a valid third-party public liability insurance policy to the value of £5,000,000 and shall produce a valid certificate of insurance at any time.

16. The consent holder and any employees must notify the Council in writing within two working days of any change of address, any changes, police investigations and/or convictions or cautions which arise during the terms of the consent. The Council reserves the right to suspend a consent with immediate effect pending a review of the consent by the Licensing Manager or another senior authorised officer should any criminal matter serious enough that there are concerns for public safety.

17. The fees for the consent must be paid on or before the due date for payment as specified by the Council and by one of the methods stipulated by the Council.

18. Should the trader wish to surrender their consent, they must do so formally in writing, returning their consent. Failure to do so will result in consent fees remaining payable.

19. Notwithstanding the details of a consent, when a pitch becomes temporarily unsuitable for any reason, the consent holder will agree to relocate to an alternative street trading pitch for the period of the temporary restriction.

20. Restricted goods as listed in the Street Trading and Markets Policy may not be sold unless an exemption has been approved.

21. This consent will be suspended if a consent issued to an Operator is in operation and the pitch is within the footprint.

General Conduct

22. The consent holder must not sell or leave any articles/goods outside of the agreed trading dimensions of the trading unit. No goods shall be hung from canopies or be placed on the ground.

23. The consent holder shall not trade in such a way that is likely to cause obstruction of any part of any street or public place.

24. The consent holder shall not trade in such a way that is likely to cause an injury to any person using the street or place.
25. The consent holder shall not trade in such a way that is likely to cause damage to any property in the street or place.
26. The consent holder shall not trade in such a way that is likely to cause a nuisance or annoyance to persons using the street or public place, or to occupiers of premises in the vicinity.
27. The consent holder shall be clean in his person and shall not exhibit insobriety, incivility, improper language or other misconduct.
28. Serious misconduct will result in an immediate suspension of the consent to enable a review to take place by the Licensing Manager or other senior authorised officer potentially leading to revocation.
29. If requested to move for any reason the consent holder shall comply the reasonable instructions of any authorised Arun District Council Licensing Officer or Sussex Police Officer.
30. Traders are not permitted to purchase goods from the public whilst operating under a street trading consent or occupying a pitch.

Protection of Young People

31. Street trading will not normally be authorised within 50 metres of any entrance or exit to a school or nursery. (The distance from the entrance to a school or nursery may be extended where issues of public safety are raised during the consultation of the application).
32. No child aged 16 or below shall be engaged in or employed to undertake any street trading under a consent issued by the Council.
33. If alcohol is sold at a pitch, no employee may be under the age of 18.

Trading Unit Compliance

34. Any vehicle/unit/trailer used by the consent holder in the course of trading shall be constructed and maintained to the satisfaction of the Council and as stipulated by the consent and design brief. A high standard of presentation and appearance will be expected to be maintained.
35. Any replacement or new units or stalls must be approved by the Council prior to being purchased.
36. The trading unit will comply in all respects with any legal requirements relating to the activity proposed.

37. The trading unit shall be of a high-quality design, with robust construction and materials that the daily removal will not result in the rapid deterioration in appearance of the unit.

38. The quality and appearance of the trading unit must be maintained at the standard approved in the original consent.

39. The trading unit will be of a mobile type and must be removed daily after trading has ceased unless previously authorised by a Licensing Officer. It must not cause damage to the street or endanger persons using the street. Stalls must be removed at the end of each day.

Health & Safety

40. The use and storage of LPG will comply with the requirements of the Health and Safety at Work etc. Act 1974 and any Fire Authority requirements.

41. Where any LPG or electricity is used then suitable fire extinguishers must be provided and maintained in a satisfactory condition.

42. The consent holder will not be permitted to erect additional awnings, tents or other structures at the site without permission.

43. The consent holder shall be responsible for any damage to the highway resulting from the trading activity.

44. The consent holder shall not keep or store explosive materials and inflammable liquids on their trading units, other than gas cylinders in compliance with current legislation.

45. The consent holder shall comply with all Traffic Regulation Orders and ensure that vehicles used in respect of their stalls are moved from the trading site immediately they are unloaded or at the request of any authorised Officer.

Advertisements / Signage

46. Advertisements must not be placed outside the perimeter of the trading site or affixed to any street furniture - e.g. lamp posts, road signs, fences, bollards.

47. Advertising should only relate to goods offered for sale on that pitch.

48. Illumination of advertisements on the outside of the unit not permitted.

49. The use of 'A' boards and any other display board/structures are prohibited.

Waste Management

50. The consent holders shall provide and maintain adequate refuse receptacles for litter and shall remove all litter in the trading vicinity; suitable arrangements must be in place for the disposal of commercial waste.

51. The consent holder must prevent the deposit in any street of solid or liquid refuse and shall not discharge any water (except as may be necessary for cleansing) to the street surface or to the surface water drains. The surrounding area shall be kept clean and tidy including the necessary washing of street surfaces.

Additional Requirements for Food Operations

52. The consent holder must maintain a Food Hygiene Rating Scheme score of 4 or 5. The hygiene rating must be displayed prominently on the stall, trailer, or vehicle.

PLEASE NOTE:

Failure to comply with these conditions may result in enforcement action, namely the suspension or revocation of the consent, or the refusal of a renewal application.

The Council reserve the right to amend these standard conditions at any time.

The Council may attach any further reasonable conditions to this consent which it appears appropriate to meet circumstances.

This consent, identification badges and any associated documents must be surrendered to the Council if the consent holder wishes to cease trading. Fees remain payable until such a time as the Consent or surrendered, revoked or lapses.

Any person who engages in street trading in a designated consent street unless authorised by the Council under the provisions of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 commits an offence and is liable, on conviction, to a fine not exceeding £1000 per offence i.e. for each day of trading without consent

Standard Conditions for Consents issued to Operators

Definitions:

Street Trading

the selling or exposing or offering for sale any article (including a living thing) in a street

Street

a) any road, footway, beach or other area to which the public have access without payment; and

b) a service area as defined in section 329 of the Highways Act 1980

‘Consent Holder’

means a Street Trader who has been granted a Consent by the Arun District Council to trade on the street

‘Operator Consent’

means a Consent granted by Arun District Council in respect of street trading for trading in an area comprising five or more pitches.

‘Employee’

means a person working for a Street Trading Consent Holder

‘Authorised Officer’ or ‘Licensing Officer’

an Officer employed by Arun District Council and authorised by the Group Head of Technical Services of Regulation and Enforcement in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982

‘Licensing Manager’

means the Operational Manager within the Licensing Unit

‘Serious Misconduct’

Includes, but is not limited to any of the following:

Sexist, racist, foul or abusive language

Acts of dishonesty

Acts of indecency

Any act causing or likely to be dangerous or cause personal injury to a person

1. The number of stalls shall not be more than that stated on the application.
2. The market must be laid out in accordance with the plan agreed by a licensing officer.
3. The name of the consent holder shall be displayed in a conspicuous position on the stall and a copy of the consent carried at all times during trading. The consent holder shall produce the

consent when requested by an authorised officer licensing officer or a police officer.

4. The consent holder shall not at any time lend, or purport to transfer or assign this licence to, or permit it to be used, by any other person. Arun District Council must be notified of all employees/persons authorised to assist prior to them working.
5. The consent holder and any employees must notify the Council in writing within two working days of any change of address, any changes, police investigations and/or convictions or cautions which arise during the terms of the consent. The Council reserves the right to suspend a consent with immediate effect pending a review of the consent by the Licensing Manager or another senior authorised officer should any criminal matter serious enough that there are concerns for public safety.
6. The fees for the consent must be paid on or before the due date for payment as specified by the Council and by one of the methods stipulated by the Council.
7. Prior to stallholders trading, the Operator must obtain a self-declaration from each stall holder in relation to the convictions guidelines and safeguarding guidance within the Street Trading and Markets Policy.
8. No unit shall exceed the size agreed by a licensing officer.
9. No unit used in connection with trading shall obstruct access to doors into buildings, driveways, footpaths or passageways leading to buildings, or parts of buildings unless the stall or structure is easily portable by not more than two people (or by the consent holder alone if trading without assistance).
10. No stall(s) or structure(s) shall obstruct fire hydrant pit(s) or adjacent plate(s).
11. No stall(s) or structure(s) shall be placed to obstruct access/egress to or from any premises.
12. No stall(s) or structure(s) shall be so placed as to obstruct any designated emergency vehicle access point or route.
13. The layout of stall(s) shall not hinder easy access to or from any premises.
14. The layout of the stalls shall not cause undue interference or inconvenience to persons using the street or otherwise.
15. Loudspeakers, amplifying equipment or other such equipment shall not be used.
16. The stall holder or their representative shall not cause a nuisance by touting or calling out to attract customers to their stall.

17. The stall holder or their representative shall not use language or words which may cause offence to members of the public or other stall holders.
18. No trading shall be carried out from the ground (e.g. from a mat, blanket or similar, placed on the ground) without prior agreement from an authorised licensing officer.
19. All goods to be traded within the curtilage of the units and all gangways and walkways must remain clear of any obstructions and tripping hazards.
20. The type of goods to be sold shall be as per the application. Any changes to the goods being sold shall be agreed with the council prior to their sale.
21. All signs placed on display in connection with the units or a market must not contain inappropriate words, language or pictures in any form which may cause offence to members of the public or other stall holders.
22. The appearance and design of units shall be subject to prior approval of licensing officer in accordance with policy specifications (i.e. uniform colour, look, canopy, etc).
23. All refuse or litter accumulated in the course of trading shall be removed from the site at the end of the day's trading and disposed of properly in accordance with the requirements of the Environmental Protection Act 1990.
24. All food stall holders shall comply with the Food Safety Act 1990, The Food Hygiene (England) Regulations 2006, Regulation (EC) No. 852/2004, Regulation (EC) No. 178/2002 and the Health & Safety at Work etc. Act 1974.
25. The consent holder must maintain a Food Hygiene Rating Scheme score of 4 or 5. The hygiene rating must be displayed prominently on the stall, trailer, or vehicle.
26. Employees must be aged 17 or over (18 or over if alcohol is to be sold).
27. Public liability insurance to the minimum level specified in the schedule must be taken out by the consent holder and be maintained at all times of trading.
28. Restricted goods as listed in the Street Trading and Markets Policy may not be sold unless an exemption has been approved.

PLEASE NOTE:

Failure to comply with these conditions may result in enforcement action, namely the suspension or revocation of the consent, or the refusal of a renewal application.

The Council reserve the right to amend these standard conditions at any time.

The Council may attach any further reasonable conditions to this consent which it appears appropriate to meet circumstances.

This consent, identification badges and any associated documents must be surrendered to the Council if the consent holder wishes to cease trading. Fees remain payable until such a time as the Consent or surrendered, revoked or lapses.

Any person who engages in street trading in a designated consent street unless authorised by the Council under the provisions of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 commits an offence and is liable, on conviction, to a fine not exceeding £1000 per offence i.e. for each day of trading without consent.

Appendix 3 Street Trading Design Brief for Mobile Trading Units (not applicable for markets and events)

Only those Units approved by an authorised licensing officer shall be used by the consent holder in accordance with the conditions of the Consent issued. Units must be visually appealing, be of sound construction, easy to maintain, adequate for the purposes of which they are intended and meet with the brief as well as with any relevant Consent conditions.

Unit proportions

The external height of the unit must not exceed 2.6 metres

External size of the units must not exceed 2.3 metres x 4.9 metres

These dimensions do not include a tow bar.

It is recognised that units may not be a uniform shape and uniqueness is supported but will generally only be considered if the unit is within the proportions outlined above and compliant with the other conditions outlined in this design brief.

This design brief gives a maximum size (to accommodate standard food trailers), however applicants are advised to consider the size of trading unit that will be appropriate in the location that they are suggesting.

Additional consideration will be given in relation to food units/trailers where a food trader can demonstrate that:

- (a) the design brief size requirements would be inadequate for the technical operation of their business which would otherwise be granted a consent and;
- (b) that the location in question can support a larger unit, then the council may consider some modifications of the design size requirements.

Design and Colour

Units must be of a high-quality design that complements and enhances its surrounding environment. The proposed unit design must be agreed by Arun District Council. (It is suggested traders do not purchase a unit until the proposed design has been agreed).

The colour of the unit must be approved by Arun District Council. Consideration will be given to the proposed location of the unit and how the colour will help the unit enhance its surroundings.

Signage

Signage must be painted (or attached via vinyl sticker) onto the trailer / stall. No other signage can be utilised by traders (such as hanging, floor sited A boards, etc)

Graphics must directly relate to the business. Temporary signage or product pictures are not permitted on any elevation and must be contained on the product/menu board or within the trading unit.

Product/menu boards must be sited internally or on shutters.

All signage designs must be approved by the Arun District Council as part of the street trading consent application process.

Siting of stock & trading area

Goods cannot be displayed outside the areas of the unit e.g. via stands or similar, externally hung on the unit, sited on the public realm around the unit, or by any other means. All produce / stock must be located and displayed within the unit.

Goods cannot be displayed directly on the ground and must be presented from a product specific display unit (e.g. tiered shelving for flowers)

Canopies

No goods can be hung or displayed on or from the canopy.

Canopies should only be located on the serving or opening size of the unit, for shading/sheltering purposes only.

Canopies should not project any more than 1 metre from the unit.

The colour of canopies must complement or be the same, as the unit colour. The design and appearance of the canopy must be approved by Arun District Council as part of the wider unit design.

Waste

Commercial waste must be stored within the stall / trailer.

Food stalls should aim to have a public waste bin sited next to the unit. This should be managed by the trader with waste removal forming part of the trader's commercial waste contract. The need for such a waste receptacle will be considered on a case by case basis acknowledging that there may be instances where the provision of a waste receptacle will not be required.

Appendix 4 Street Trading Design Brief for Static Stall Units

Only those Units approved by an authorised licensing officer shall be used by the consent holder in accordance with the conditions of the Consent issued. Units must be visually appealing, be of sound construction, easy to maintain, adequate for the purposes of which they are intended and meet with the brief as well as with any relevant Consent conditions.

Stall Proportions

The stall will not exceed the size of 3 metres x 3 metres.

Design and Colour

The stall will typically be covered by a standard gazebo of the above proportions which will be white or blue in colour, or both.

Signage

Any signage must be relating to the business only and must be kept within the confines of the stall. No A boards or similar are permitted to be used.

Siting of stock & trading area

No goods may be displayed on the ground. No goods may be displayed outside of the confines on the stall.

Waste

Commercial waste must be stored out of sight of the public.

Food stalls should aim to have a public waste bin sited next to the stall. This should be managed by the trader with waste removal forming part of the trader's commercial waste contract. The need for such a waste receptacle will be considered on a case by case basis acknowledging that there may be instances where the provision of a waste receptacle will not be required.

Appendix 5 Street Trading Design Brief for Units Trading under an Operator held Street Trading Consent.

Only those Units approved by an authorised licensing officer shall be used by the consent holder in accordance with the conditions of the Consent issued. Units must be visually appealing, be of sound construction, easy to maintain, adequate for the purposes of which they are intended and meet with the brief as well as with any relevant Consent conditions.

Where pitches are marked out, units and all items must be kept within the markings.

Within markets (to include markets at events), traditional timber stalls, stalls constructed of a metal frame and gazebos are preferred. It is preferred that a visually consistent approach is applied by having a co-ordinated appearance. Preferred colours are blue, white or both (i.e. traditional stripes). There must be a valance from tabletop to ground to cover stock, equipment and refuse under stalls whereby it would usually be exposed.

Any tarpaulins, awnings etc. should be safely and neatly secured.

Waste must be kept under the stall out of sight. Pitch sizes may be varied by a licensing officer in line with the authorisation procedure.

Generally, any trading from vehicles will only be permitted from pitches ends of markets or from a zone dedicated to such a purpose i.e. a cluster of vehicles located together for provision of food or drink. Any vehicles should be appropriate for their prominent position and their appearance and size should not be visually damaging, over intrusive, or physically obstructive to the surrounding.

Applications will be considered for tables and chairs on markets where these are associated with provision of food and/or drink. Details of Pavement Licensing can be found on the council's website www.arun.gov.uk

Appendix 6 Safeguarding and Convictions Guidelines

Safeguarding

All Consent holders have a responsibility to and must consider the safeguarding of young and vulnerable persons in relation to Street Trading activity. Safeguarding is wide ranging and includes protecting children and young persons from harmful products to human trafficking and exploitation and being aware of the signs of activity considered to be harmful. An example could be the well-publicised impact of placing fast food near to schools. The authority also considers that persons that have been convicted of some criminal convictions may not be suitable for Street Trading for reasons which include safeguarding vulnerable persons. Further details are outlined below.

Considerations which should be included, but not limited to are detailed as follows:

A Street Trading Consent will only be issued to those aged 17 years or older. Further, only those aged 17 years or older may be allowed to work on the trading vehicle and all employees must be covered by the appropriate employment law.

Where alcohol is sold or supplied, the minimum age for working at a unit or stall is 18.

Proof of age policies must be implemented in relation to age restricted products and details of such policies should be advertised on signage.

Street Trading pitches will not normally be allocated within 50 metres of schools or establishments primarily for the use of young or vulnerable persons.

There have been well-publicised issues relating to Child Sexual Exploitation (CSE) and human trafficking. As a Licensing Authority Arun District Council has a duty to assist consent holders and the public in tackling these issues, to protect the vulnerable and those at risk of, or who are, being exploited.

If you have concerns that a child you are serving, or who is working for you, may be vulnerable and/or the victim of exploitation then please contact the police on 101, or 999 if an emergency.

If you have concerns that an adult you are serving, or who is working for you, may be vulnerable and/or the victim of exploitation then please contact the police on 101, or 999 if an emergency.

Important Contact Details:

Sussex Police: 999 (urgent) or 101 (non-emergency)

Change Grow Live (CGL): 01243 830195 (Drug and Alcohol community team)

NSPCC: 0808 800 5000

Sussex Mental Health Helpline: 0300 500 0101

MIND Coastal West Sussex: 01903 721893 (Littlehampton office)

Samaritans: 116 123

Stepchange: 0800 138 1111 (Money advice and debt helpline)

Worth Domestic Abuse Service: 0330 222 8181 or send a referral by email to worth.idva.services@westsussex.gov.uk

Convictions

Applicants are required to complete a self-declaration relating to convictions history. The authority will consider the following guidelines in relation to applications. Holders of Operators consents are also expected to apply the same guidelines to stallholders and volunteers.

General Principles:

Each case will be decided on its own merits. A person with a current conviction for serious crime need not be permanently barred from registration but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.

The following examples afford a general guide on the action to be taken where an applicant has convictions. The guide is not intended to be exhaustive and officers will consider each application based on the circumstances:

Offences involving violence

It is imperative that applicants with convictions for offences involving violence are considered carefully. When applicants have convictions for causing grievous bodily harm, wounding or assault, or even more serious offences involving violence, at least five years should elapse before an application is considered.

Drug- related offences

An isolated conviction for a drug offence, whether for unlawful possession only or involving the supply of controlled drugs, need not necessarily debar a candidate from registration, provided the applicant has at least three years free of convictions or five years since detoxification if he/she was an addict.

Indecency offences

Applicants with recent indecency offences would normally be debarred.

Dishonesty

Convictions for isolated minor offences should not debar an applicant, but in cases involving serious theft or fraud at least three years should elapse before an application is considered. When offences of dishonesty have been accompanied by violence, it is suggested that at least five years should elapse before registration.

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Appendix 7 Restricted goods

The following goods must not be sold or provided with a purchase:

1. Bladed articles and other offensive weapons (e.g. knuckle dusters, num chucks)
2. All types of corrosive products
3. Tobacco and tobacco related products
4. Vaping products
5. Items associated with drug use or could be perceived glamourize drug use
6. Sex articles as defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982
7. Secondhand jewelry
8. Plastic single use bottles
9. Real fur items or items from endangered animals
10. Plastic bags that are not compostable
11. Any other item that is considered unsuitable in terms of public safety or that may cause offence or may undermine the objectives of this policy.
12. No live animals may be sold, given away or used for demonstration or exhibition.

Appendix 8 Scoring Criteria

Street Trading scoring matrix

Only complete applications will be considered.

Date:

Details of pitch advertised:

Officer undertaking review:

Applicant	Able to trade on times/days advertised	Meets requirements/spec advertised	Public Safety	Public Nuisance	Appearance	Public Order	Placement of traders	Environmental Sustainability	Contribution	Comments	Mean score
	Y/N	Y/N	*****Score out of 10*****								

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EQUALITY IMPACT ASSESSMENT

Name of activity:	Street Trading Policy	Date Completed:	10/06/21
Directorate / Division responsible for activity:	Place	Lead Officer:	Sarah Meeten
Existing Activity	<input checked="" type="checkbox"/> <input type="checkbox"/>	New / Proposed Activity	<input type="checkbox"/> <input checked="" type="checkbox"/>
		Changing / Updated Activity	<input checked="" type="checkbox"/>

What are the aims / main purposes of the activity?

This draft policy makes provision for street trading opportunities within the Arun District.

What are the main actions and processes involved?

The policy lays out opportunities for Street Trading that have been identified by the council and lays out a process of how to apply for a consent, the process, eligibility criteria and detail of enforcement related matters. Publishing the policy for consultation will encourage feedback from a wide range of persons and Bodies and provide an opportunity for any concerns to be addressed.

Who is intended to benefit & who are the main stakeholders?

Street Trading provision is for the benefit of those living in and visiting the area as well as for the benefit of those who trade. It applies equally to all persons of all backgrounds and ensures provision of services in an equally accessible way.
A policy ensures that all applications are treated in a fair and consistent manner. Consulting on the policy ensures that any person has an opportunity to engage with the council's views and proposals regarding this activity.

Have you already consulted on / researched the activity?

Consultation has already informally taken place with internal stakeholders as well as organisations including a traders partnership and BID as well as Town and Parish Councils. The policy will be published for public consultation.

Impact on people with a protected characteristic (What is the potential impact of the activity? Are the impacts high, medium or low?)

Protected characteristics / groups	Is there an impact (Yes / No)	If Yes, what is it and identify whether it is positive or negative
Age (older / younger people, children)	Yes / No	Persons under the age of 17 are not permitted to work or be employed as street traders. This for protection of young persons.
Disability (people with physical / sensory impairment or mental disability)	Yes / No	
Gender reassignment (the process of transitioning from one gender to another.)	Yes / No	
Marriage & civil partnership (Marriage is defined as a 'union between a man and a woman'. Civil partnerships are legally recognized for same-sex couples)	Yes / No	
Pregnancy & maternity (Pregnancy is the condition of being pregnant & maternity refers to the period after the birth)	Yes / No	
Race (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)	Yes / No	
Religion & belief (religious faith or other group with a recognised belief system)	Yes / No	
Sex (male / female)	Yes / No	
Sexual orientation (lesbian, gay, bisexual, heterosexual)	Yes / No	
Whilst Socio economic disadvantage	Yes / No	

that people may face is not a protected characteristic; the potential impact on this group should be also considered		
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What evidence has been used to assess the likely impacts?

Decision following initial assessment			
Continue with existing or introduce new / planned activity	Yes / No	Amend activity based on identified actions	Yes / No

Action Plan			
Impact identified	Action required	Lead Officer	Deadline

Monitoring & Review	
Date of last review or Impact Assessment:	
Date of next 12 month review: 01/07/21	
Date of next 3 year Impact Assessment (from the date of this EIA): 01/07/24	

Date EIA completed:01/06/21.....
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Signed by Person Completing:Mrs S Meeten.....
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Agenda Item 8

Licensing Committee	Report Author	Date of Meeting	Full Council Meeting Date
Karl Roberts Nat Slade			
Street Trading and Markets Policy	S Meeten	10 Sept	10 Nov
Taxi Policy Revision	S Meeten	10 Dec	12 Jan
Licensing Fees	S Meeten		
Taxi Fares	S Meeten		
Street Trading Policy and Designations	S Meeten		
		11 March	11 May

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